

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)	
)	
)	
JOHN D. GESSIN	CH: 7)	11-51818-btb
)	
TATIANO MOORE v. GESSIN)	11-05078
)	
DOC# 10 MOTION FOR SUMMARY JUDGMENT)	
WITH CERTIFICATE OF SERVICE FILED BY)	
GLADE L HALL ON BEHALF OF ALLISON)	
TATIANO MOORE)	

U.S. Bankruptcy Court
300 Booth Street
Reno, NV 89509

May 4, 2012
9:00 a.m.

BEFORE THE HONORABLE BRUCE T. BEESLEY, Judge

APPEARANCES:

For the Plaintiff:

Glade L. Hall
HUTCHINSON & STEFFAN
105 Mt. Rose Street
Reno, NV 89509

For the Debtor:

Shelly T. O'Neill
DEMETRAS & O'NEILL LAW OFFICES
230 E. Liberty Street
Reno, NV 89501

Also Present:

William B. Cossitt
OFFICE OF U.S. TRUSTEE
300 Booth Street, Rm. 2129
Reno, NV 89509

Proceedings recorded by electronic sound technician, Stacie C. Kief; transcript produced by AVTranz.

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1 THE COURT: This is John D. Gessin, Case Number
2 11-51818, Adversary 11-05078.

3 Appearances, please?

4 MR. HALL: Glade Hall on behalf --

5 MS. O'NEILL: Shelly O'Neill --

6 MR. HALL: -- the Plaintiff, Your Honor.

7 MS. O'NEILL: And Shelly O'Neill on behalf of the
8 Debtor, Mr. Gessin.

9 THE COURT: Okay. I have read the motion for summary
10 judgment. I have read the opposition. I've read the
11 supplements, and I'm ultimately going to grant the motion for
12 summary judgment because I believe that the judgment of the
13 District Court gives preclusive effect -- or issue preclusive
14 effect to all of the elements that are necessary for denying
15 discharge -- or the discharge of a debt under 523(a)(2).

16 But there's a problem. I don't have a certified copy
17 of the records of the District Court. The arbitrator's award
18 that was given to me is undated. It's not file-stamped. I
19 don't doubt that it's an act -- accurate copy, but I would like
20 to have a certified copy of both the judgment and a certified
21 of the record where the arbitrator's award was filed with the
22 District Court.

23 MR. HALL: I have those. I'm not sure that I have
24 them with me, Your Honor, but --

25 THE COURT: You can -- you can submit them later

1 today or you can submit them Monday morning. I -- I did not
2 understand what the relevance of Ms. Ho (phonetic) and her
3 various difficulties were when I read through the various
4 declarations. Although, I do think whoever her employer was,
5 was extremely patient in having her drunk and intoxicated at
6 work and driving her home and not firing her, but that just did
7 not appear to me to be relevant.

8 So, when I have those, I will make findings of fact
9 and conclusions of law. If you get them to me by Monday at the
10 time of hearing, I'll do it before the -- I'll do it at -- just
11 before we start the other trial 1:30.

12 MS. O'NEILL: Your Honor --

13 THE COURT: Yeah?

14 MS. O'NEILL: -- as to that, I think that Mr. Hall
15 has a motion relative to the trial.

16 THE COURT: Sure.

17 MR. HALL: Yes. We have a problem in that
18 Ms. Tatiano, now Ms. Moore, had a C-section -- a birth by C-
19 section yesterday morning. She's in the hospital -- confined
20 in the hospital.

21 THE COURT: But I'm going to grant summary judgment
22 with respect to her.

23 MR. HALL: With respect to her. She won't be a
24 witness in Stacy Razonie's (phonetic) case on Monday afternoon,
25 but will be here with her documents.

1 THE COURT: Okay. Did -- okay. She'll be here with
2 her documents. You don't plan to have her be a witness.

3 MR. HALL: Right.

4 THE COURT: Okay.

5 MS. O'NEILL: Well, Your Honor, I -- I'm in a -- an
6 awkward position here. Mr. Hall absolutely demanded that this
7 case go forward.

8 THE COURT: I understand that.

9 MS. O'NEILL: And so, we've -- we've subpoenaed
10 witnesses, as you know, but Ms. Tatiano is clearly one of our
11 witnesses. And she'll be -- she's a necessary witness. I did
12 not subpoena her because she's obviously a party.

13 THE COURT: Well, --

14 MS. O'NEILL: However, I will need her testimony
15 relative to the Ms. Razonie case.

16 THE COURT: Well, here's what we'll do -- here's what
17 we'll at least do. We will start them -- we will start the
18 trial. We will take the evidence we have from the people who
19 have been subpoenaed. I understand that Ms. Moore may be
20 unavailable. We may continue the trial for a short period of
21 time until she's available. People do recover from C-sections.
22 And I would expect that she will recover in a reasonable period
23 of time.

24 So, I would anticipate we'll start the trial at 1:30
25 on Monday. Is that the next trial?

1 MR. HALL: Correct.

2 THE COURT: And if Ms. Razano (sic) -- or, I'm sorry,
3 if Ms. Moore can't be here, which I also understand she may be
4 unable to be here and may be unable to be examined, we will
5 continue the trial for whatever period of time it takes for her
6 to be available.

7 MR. HALL: Very good.

8 THE COURT: Okay. Anything further?

9 MS. O'NEILL: No, Your Honor, that's --

10 THE COURT: Thank you. We'll be in -- Mr. Cossitt?

11 MR. COSSITT: Just monitoring, Your Honor.

12 THE COURT: Thank you. We'll be in recess.

13 (Proceedings Concluded)

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16 I certify that the foregoing is a correct transcript from
17 the record of proceedings in the above-entitled matter.

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19 Dated: August 8, 2012

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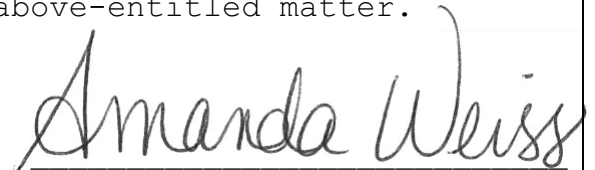
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